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| 09/053,155      | 04/01/98    | EVANS                | 1<br>728697/EVANS   |

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LEYDIG VOIT AND MAYER  
SUITE 300 700 THIRTEENTH STREET NW  
WASHINGTON DC 20005

EXAMINER

DINKINS, A

#4

ART UNIT  
2831

PAPER NUMBER

DATE MAILED: 05/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>09/053,155</b> | Applicant(s)<br><b>Evans, David A</b> |
|                              | Examiner<br><b>Anthony Dinkins</b>   | Group Art Unit<br><b>2831</b>         |

Responsive to communication(s) filed on Apr 1, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1-14 is/are allowed.

Claim(s) 15-19 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 15, lines 27-28, "but no anode, and functioning as a cathode of the capacitor" is not clear to the examiner. Clarification is needed.
4. Claim 15, lines 37 "but no porous coating" is not clear to the examiner. Clarification is needed.
5. Claim 19 recites the limitation "the first electrically conductive body" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 15-18 are also being rejected under 35 U.S.C. 112, second paragraph, as being dependent on a previous rejected claim.

### ***Allowable Subject Matter***

7. Claims 1-14 are allowed.
8. Claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

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9. Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1, 7, and 15, the allowability, in combination with the other claimed features, is because nowhere in the prior art is there a capacitor having different metals for the anode and the cathode and an electrolyte disposed between and in contact with the porous coating and the anode. Regarding claim 11, the allowability, in combination with the other claimed features, is because nowhere in the prior art is there a capacitor having an electrolyte disposed between and in contact with porous coating and the anode.

***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kunishi et al. (5,367,431) discloses having a double layer capacitor that contains a first electrode, a second electrodes, a separator, a casing, and an electrolyte.

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Evans (5,469,325) discloses having a casing (21, 22), substrate, anode (24) electrolyte (26), porous cathode coating, the desired material for the cathode coating and the anode spaced from the porous cathode.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Dinkins whose telephone number is (703) 308-0488. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Kristine Kincaid can be reached at (703) 308-0640.

Anthony Dinkins  
May 20, 1999

*Kristine Kincaid*  
Kristine Kincaid  
Supervisory Patent Examiner  
Technology Center 2800